

Message Text

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SUBJECT: HIGHLIGHTS OF NEW GREEK CONSTITUTION

1. FOLLOWING PLENARY MEETING OF GREEK CABINET MORNING
OF DECEMBER 23, DRAFT OF NEW GREEK CONSTITUTION MADE
PUBLIC.

2. PM CARAMANLIS, IN COMMENTS TO CABINET, STATED "THE
DRAFT OF THE NEW CONSTITUTION IS A GREEK WORK. IT HAS
TAKEN INTO CONSIDERATION THE EXPERIENCE OF THE PAST AND
INTERNATIONAL PRACTICE. IT BALANCES, WITHOUT EXAGGERATIONS,
THE AUTHORITY OF EACH ORGAN OF THE STATE. AND WHILE IT
ALLOWS THE EXECUTIVE AUTHORITY TO ACT AT A FAST PACE, IT
DOES NOT DIMINISH THE COMPETENCES OF PARLIAMENT, IN NO
WAY DOES IT AFFECT THE CHARACTER OF THE REGIME AS A
PRESIDENTIAL PARLIAMENTARY REPUBLIC." ACCORDING TO
SUMMARY PROVIDED BY ATHENS NEWS AGENCY DRAFT CONSTITUTION
HAS 112 ARTICLES AND PROVIDES MODERN, PROGRESSIVE AND
DEMOCRATIC CONSTITUTION, PROTECTING HUMAN RIGHTS AND
PROVIDING FOR FAST MOVING, EFFECTIVE AUTHORITY. IN
PARTICULAR EXECUTIVE POWERS HAVE BEEN STRENGTHENED AND
NEW SYSTEM OF PARLIAMENTARY ORGANIZATION DEVISED

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ACCORDING TO WHICH PARLIAMENT WILL CARRY OUT LEGISLATIVE

RESPONSIBILITIES IN PLENARY AND IN THREE SEPARATE SECTIONS, ACCELERATING ITS WORK AND INCREASING PRODUCTIVITY. PART OF PAST LEGISLATIVE WORK OF PARLIAMENT HAS BEEN TRANSFERRED TO EXECUTIVE WHICH ACQUIRES RIGHT TO ISSUE DECREES OF LEGISLATIVE NATURE BUT ONLY FOR REGULATING INTERNAL STRUCTURE OF CIVIL SERVICE.

3. PARLIAMENT WILL ELECT PRESIDENT BY TWO-THIRDS MAJORITY FOR FIVE YEAR TERM. PRESIDENT MUST BE GREEK CITIZEN, AT LEAST 40 YEARS OLD AND LEGALLY ABLE TO VOTE.

4. PRESIDENT HAS FOLLOWING RESPONSIBILITIES:

- A. HE APPOINTS AND DISMISSES THE PRIME MINISTER.
- B. HE MAY CONVENE THE CABINET IN SPECIAL CIRCUMSTANCES, UNDER HIS CHAIRMANSHIP.
- C. HE MAY CONVENE THE COUNCIL OF THE REPUBLIC, AN EQUIVALENT OF THE FORMER CROWN COUNCIL.
- D. HE MAY VETO DRAFT LAWS PASSED BY PARLIAMENT.
- E. HE APPOINTS AND DISMISSES MINISTERS AND UNDERSECRETARIES, AT THE PRIME MINISTER'S PROPOSAL.
- F. HE MAY DISMISS THE GOVERNMENT AFTER CONSULTING THE COUNCIL OF THE REPUBLIC.
- G. HE MAY DISSOLVE PARLIAMENT, AFTER CONSULTING THE COUNCIL OF THE REPUBLIC, IF HE RULES THAT THE CHAMBER IS NOT IN HARMONY WITH PUBLIC SENTIMENT, OR IF ITS COMPOSITION DOES NOT ENSURE GOVERNMENT STABILITY. HE MAY ALSO DISSOLVE PARLIAMENT AT THE SUGGESTION OF THE GOVERNMENT WHICH HAS BEEN GIVEN A VOTE OF CONFIDENCE, IN ORDER TO RENEW THE POPULAR MANDATE, IN THE EVENT OF A NATIONAL PROBLEM OF EXCEPTIONAL IMPORTANCE HAVING TO BE FACED.
- H. HE MAY, BY A DECREE ISSUED AT THE CABINET'S SUGGESTION, PROCLAIM A REFERENDUM ON CRUCIAL NATIONAL ISSUES.

I. HE MAY, IN THE EVENT OF WAR OR MOBILIZATION OWING TO EXTERNAL DANGERS, OR MANIFEST THREAT AGAINST PUBLIC ORDER AND THE SECURITY OF THE STATE, DUE TO INTERNAL DANGERS, IMPLEMENT THE LEGISLATION EXISTING AT THE TIME REGARDING THE STATE OF SIEGE.

5. PRESIDENTIAL DUTIES RELATIVE TO "STATE OF SIEGE"
CORRESPOND TO THOSE OF ARTICLE 91 OF 1952 CONSTITUTION
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MODIFIED TO PERMIT PRIME MINISTER "TO COUNTERSIGN THE RELEVANT PRESIDENTIAL DECREE. IF THE STATE OF SIEGE IS NOT LIFTED BY ANOTHER DECREE EARLIER, IT IS AUTOMATICALLY LIFTED AS SOON AS A WAR IS OVER, IN THE EVENT OF WAR, OR TWO MONTHS AFTER ITS PUBLICATION IN ANY OTHER CASE. ANY EXTENSION AFTER THE TWO MONTHS IS SUBJECT TO PARLIAMENT APPROVAL.

6. PRESIDENTIAL SUCCESSION ARRANGEMENTS PROVIDE FOR HIS TEMPORARY REPLACEMENT BY PRESIDENT OF PARLIAMENT, IN HIS ABSENCE BY PRESIDENT OF PREVIOUS PARLIAMENT, OR IS THIS IS NOT POSSIBLE, BY ENTIRE CABINET.

7. NEW CONSTITUTION ALSO INCLUDES PROVISIONS REGARDING DEPUTIES. IT ESTABLISHED STATE DEPUTIES WHO MAY NOT BE FEWER THAN TEN OR MORE THAN 20. IT DOES NOT PERMIT DEPUTIES ELECTED FROM ONE PARTY TO CHANGE AFFILIATION DURING PARLIAMENTARY TERM FOR WHICH THEY WERE ELECTED WITHOUT BEING CONSIDERED AS HAVING RESIGNED. OTHER

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PROVISIONS AIM AT PREVENTING DEPUTIES "FROM CONTINUALLY SUBMITTING AMENDMENTS TO DRAFT LAWS AND MOTIONS WHICH IN PAST OFTEN WERE OF PERSONAL NATURE.

8. OTHER PROVISIONS SAFEGUARD PRESS FREEDOM AND DEAL WITH BASIC MATTERS OF EDUCATION, JUSTICE, ADMINISTRATIVE ORGANIZATION, ETC. FINALLY, ARTICLE 110 STIPULATES THAT CONSTITUTIONAL PROVISIONS, EXCEPT FOR THOSE ESTABLISHING PRESIDENTIAL PARLIAMENTARY REPUBLIC, ARE SUBJECT TO REVISION BUT NO REVISION IS PERMITTED UNTIL AT LEAST FIVE YEARS AFTER PREVIOUS AMENDMENTS.

9. WHILE TOO EARLY FOR SUBSTANTIVE EDITORIAL COMMENT ON DRAFT CONSTITUTION, THE HEADLINES AND STORIES BRIFLY ANNOUNCING DRAFT CONSTITUTION REFLECTED PROBABLE ITEMS OF CONTROVERSY. PRO-CARAMANLIS KATHIMERINI'S LEAD HEADLINE DECEMBER 24 WAS: "LIBERAL CONSTITUTION AIMS AT PROTECTION OF POPULAR INTERESTS - INDIVIDUAL RIGHTS STRENGTHENED." PRO-MONARCHIST ELLINIKON MELLON PROCLAIMED: "MR. CARAMANLIS BECOMES A NEW BONAPARTE - PRESIDENT WILL BE OMNIPOTENT, PREMIER WILL BE COORDINATOR, PARLIAMENT WILL CONSIST OF ALSO RANS." CONSERVATIVE AKROPOLIS ENDORSED: "PARLIAMENTARY REPUBLIC UNDER LIMITED OFFICIAL USE

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PRESIDENT - PRESIDENT WITHOUT SUPER POWERS." LIBERAL VIMA HIGHLIGHTED MAJOR CHANGES: " POWERS OF PREMIER ARE ALSO INCREASED - PRESIDENT TO HAVE RIGHT OF VETO AND FIVE YEAR PARLIAMENT." LEFTIST AVGHI COMPLAINED: "ANTI-DEMOCRATIC DRAFT: SUPER POWERS TO PRESIDENT, LIMIT ON STRIKES,LEGALIZATIONS OF DEPORTATIONS ..." WHILE COMMUNIST RIXOSPASTIS AGREED: "AFTER TOTAL SECRECY AND CAMOUFLAGE, ANTI-DEMOCRATIC CONSTITUTION PUBLISHED".

10. INITIAL POLITICAL COMMENT FROM OPPOSITONS WAS LIMITED. CANELLOPOULOS SAID HE WANTED TO STUDY DRAFT BEFORE COMMENTING. MAVORS PROMISED STATEMENT LATER. PAPANDREOU WAS SHARPLY CRITICAL OF WHAT HE FORESAW AS "THE CONSTITUTIONAL FRAME FOR THE ESTABLISHMENT OF AUTHORITARIAN RULE IN THE GUISE OF PARLIAMENTTARIANISM". AMONG SPECIFIC CRITICISMS HE ATTACKED THE INDIRECT ELECTION OF THE PREISENT, SUPER LEGISLATIVE AND EXECUTIVE POWERS OF PRESIDENT AND LIMITATIONS OF FREEDOM TO STRIKE AND OTHERPERSONAL LIBERTIES. KKE (INTERIOR) PARALLELED PAPANDREOU POSITION.

11. IN PRESENTING HIS DRAFT CONSTITUTION, CARMANLIS ANTICIPATED TWO AREAS IN WHICH HIS IDEAS ARE LLKELY TO HAVE THE ROUGHEST SAILING IN THE WEEKS OF PARLIAMENTARY DEBATE AHEAD: "THE POWERS OF THE PRESIDENT...AND THE LEGAL PROCEEDINGS REGARDING PASSING OF LAWS BY PARLIAMENT." HE ALSO SOUNDED AS IF HE EXPECTS OPPOSITION,SAYING HE WELCOMED DEBATE AND COUNTER-PROPOSALS BUT STRONGLY ASSERTING THE HISTORICAL EXPERIENCES AND POLITICAL THEORY WHICH MADE THE BASIC PROPOSALS OF THE DRAFT SOUND AND NEEDFUL FOR THE FUNCTIONING OF GREEK DEMOCRACY. HE EXPECTS PARLIAMENT TO CONCLUDE ITS CONSIDERATION BY APRIL 7. CARAMANLIS DECLARED THAT DRAFT IS "TAILOR-MADE FORGREECE, TAKING INTO CONSIDERATION PAST EXPERIENCE AND INTER-NATIONAL CONSTITUITIONAL PRACTICE." HE NOTED THAT THE DRAFT WAS WORK OF POLITICAL EXPERTS RATHER THAN STRICTLY

LEGAL COMMITTEE BECAUSE IT DEALS WITH POLITICAL PROBLEMS RATHER THAN LEGAL ONES.

12. COMMENT: WHILE THE INNOVATIONS OF THE DRAFT LIMITED OFFICIAL USE

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CONSTITUTION APPEAR TO HAVE SOME EUROPEAN CONSTITUTIONAL ANTECEDENTS, MOST SEEM TO CORRESPOND TO GREEK EXPERIENCE, FOR EXAMPLE, EXPANDING LONG TRADITION OF EXTRA-PARLIAMENTARY LEGISLATION BY THE HEAD OF STATE, AND COUNTERING HISTORICAL INSTABILITY OF POLITICAL PARTIES. AMONG THE NOTEWORTHY WAYS IN WHICH CARAMANLIS SEEKS TO GIVE THE PRESIDENT A POLITICAL PRESENCE SEPARATE FROM PARLIAMENTARY CONTROL ARE: A VETO POWER, WHICH NEITHER THE KING IN THE 1952 CONSTITUTION NOR THE PRESIDENT IN THE 1927 MODEL ENJOYED; RIGHT TO PROCLAIM NATIONAL REFERENDA ON CRUCIAL NATIONAL ISSUES- AN OBVIOUS BORROWING FROM DEGAULLE FRANCE AND A NEW PREROGATIVE, AND RIGHT TO SUSPEND VARIOUS ARTICLES OF THE CONSTITUTION DURING A STAGE OF SIEGE WITH ONLY PM'S COUNTER-SIGNATURE, NOT OF CABINET AS WAS REQUIRED UNDER MONARCHY. THE NEW PARTY DISCIPLINE IMPOSED ON DEPUTIES REFLECTS CARAMANLIS' DISENCHANTMENT WITH DEPUTIES CROSSING PARTY LINES AND SHOULD TEND TO REGULARIZE NATIONAL PARLIAMENTARY ELECTIONS INTO FIVE YEAR CYCLES CORRESPONDING TO PRESIDENTIAL TERM.

13. EMBASSY WILL POUCH ENGLISH TEXT WHICH WE UNDERSTAND SHOULD BE AVAILABLE BY END OF WEEK AND REPORT REACTIONS AFTER DUST SETTLES AND SERIOUS DISCUSSION BEGINS.

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